

TRUSTEE'S NOTICE OF SALE

Reference is made to that certain trust deed made, executed and delivered by James Terry and Ethel M. Terry, as grantor, to Transamerica Title Insurance Company, as trustee, to secure certain obligations in favor of Commerce Mortgage Company, as beneficiary, dated February 21, 1969, recorded February 21, 1969, in book M-69 at page 1441 of the mortgage records of Klamath County, Oregon, covering the following described real property situated in said county and state, to-wit:

Lot 19, Block 30, HOT
SPRINGS ADDITION, Klamath
County, Oregon

Both the beneficiary and the trustee have elected to sell the said real property to satisfy the obligations secured by said trust deed and to foreclose said deed by advertisement and sale; the default for which the foreclosure is made is grantor's failure to pay when due the following sums owing on said obligations, which sums are now past due, owing and delinquent:

Monthly installments hertofore becoming due and payable under the terms of said trust deed and the obligation secured thereby for the payment of principal, interest, and monthly requirements for insurance premiums, taxes, assessments, and other charges due and payable with respect to said property in the total sum of \$600, including the last such monthly installment of \$150 due on April 1, 1971,

By reason of said default the beneficiary has declared the entire unpaid balance of all obligations secured by said trust deed together with the interest thereon, immediately due, owing and payable, said sums being the following, to-wit:

\$15,534.98, plus interest thereon at the rate of 7-1/2% per annum from December 1, 1970 until paid, late charges of \$3 for each delinquent installment, and any sums hereafter expended by the beneficiary pursuant to the terms of said trust deed.

A notice of default and election to sell and to foreclose was duly recorded May 11, 1971, in book M-71 at page 4268 of said mortgage records, reference thereto hereby being expressly made. WHEREFORE, NOTICE HEREBY IS GIVEN That the undersigned trustee will on Friday, the 8th day of October 1971, at the hour of 3:00 o'clock, P.M., Pac. D.S.T., as established by Section 187.110, Oregon Revised Statutes, at Front door of County Courthouse, in the City of Klamath Falls, County of Klamath, State of Oregon, sell at public auction to the highest bidder for cash the interest in the said described real property which the grantor had or had power to convey at the time of the execution by him of the said trust deed, together with any interest which the grantor or his successors in interest acquired after the execution of said trust deed, to satisfy the foregoing obligations thereby secured and the costs and expenses of sale, including a reasonable charge by the trustee. Notice is further given that any person named in Section 86.760 of Oregon Revised Statutes has the right to have the foreclosure proceeding dismissed and the trust deed reinstated by payment of the entire amount due (other than such portion of said principal as would not then be due had no default occurred) together with costs, trustee's and attorney's fees at any time prior to five days before the date set for said sale.

In construing this notice and whenever the context hereof so requires, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other person owing an obligation, the performance of which is secured by said trust deed, and their successors in interest; the word "trustee" includes any successor trustee and the word "beneficiary" includes any successor in interest of the beneficiary named in the trust deed.

DATED at Portland, Oregon, May 14, 1971.

Successor Trustee

State of Oregon, County of _____, ss:

I, the undersigned, certify that I am the attorney or one of the attorneys for the above named trustee; that I have carefully compared the foregoing copy of trustee's notice of sale with the original thereof and that the foregoing is a true, correct and exact copy of the original trustee's notice of sale and of the whole thereof.

DATED at _____, Oregon, this _____ day of _____, 19 _____.

Attorney for said Trustee

PROOF OF PERSONAL SERVICE OF NOTICE OF TRUSTEE'S SALE
AND TRUSTEE'S INSTRUCTIONS RELATIVE THERETO

TRUSTEE'S INSTRUCTIONS to the person who serves the trustee's notice of sale hereto attached:

STATE OF OREGON, County of Multnomah) ss.

I, the undersigned, Successor trustee, being first duly sworn, depose, say and certify:

Reference is made to that certain trust deed executed and delivered by James Terry and Ethel M. Terry as grantor to Transamerica Title Insurance Company as trustee, in which Commerce Mortgage Company is beneficiary, recorded on February 21, 1969, in book M-69 at page 1441 of the mortgage records of Klamath County, Oregon, covering the following described real property situate in said county:

Lot 19, Block 30, HOT
SPRINGS ADDITION, Klamath
County, Oregon

A notice of default and election to sell and to foreclose said trust deed by advertisement and sale has been duly recorded in the mortgage records of said county. You hereby are directed to serve the trustee's notice of sale in said foreclosure proceedings upon the following person or persons whose interest in said described real property is stated below:

NAME OF PERSON TO BE SERVED

NATURE OF INTEREST

Occupant

1827 Manzanita Street
Klamath Falls, Oregon

The undersigned hereby certifies that the person or persons just named are the only persons named in subsection 1 of Section 86.750 of Oregon Revised Statutes who now occupy said real property. The word "trustee" as used in this affidavit means and includes any successor-trustee to the trustee named in the trust deed first mentioned above.

Robert J. Clark

Successor Trustee

Subscribed and sworn to before me this 10th day of May, 1971.

Anita K. Morrison

Notary Public for Oregon

My commission expires: March 2, 1973

(OFFICIAL SEAL)

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STATE OF

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PROOF OF SERVICE

5542

IN THE _____ COURT _____

COMMERCE MORTGAGE CO.

NOT FOUND RETURN

vs.

JAMES TERRY & ETHEL M. TERRY

No. (12,664 J)

I, J. M. BRITTON, Sheriff of Klamath County, Oregon, do hereby certify that I received the within TRUSTEE'S NOTICE OF SALE on the 17th day of May, 1971, ~~1981~~ and after due and diligent search and inquiry, I hereby return that I have been unable to find the within named ~~trustee~~ OCCUPANTS of 1827 MANZANITA STREET, KLAMATH FALLS, within Klamath County, Oregon.

Dated this 17th day of MAY, 1971, ~~1981~~

J. M. BRITTON, Sheriff
Klamath County, Oregon

By *Eddie D. Chang*
Deputy Sheriff

TRUSTEE'S INSTRUCTIONS AND
PROOF OF SERVICE OF NOTICE
OF TRUSTEE'S SALE

FORM No. 8908

STEVENESS LAW PUB. CO., PORTLAND, ORE.

RE: Trust Deed from

JAMES TERRY and ETHEL M.

TERRY

Grantor

TO

TRANSAMERICA TITLE INSURANCE

COMPANY

Trustee

STATE OF OREGON,

County of Klamath

ss.

I certify that the within instru-

ment was received for record on the

18th day of June, 1971,

at 11:29 o'clock A.M., and recorded

in book M71 on page 5546

Record of Mortgages of said County.

Witness my hand and seal of

County affixed.

Wm. D. Milne

County Clerk

By *Eddie D. Chang* Deputy

Title.

AFTER RECORDING RETURN TO

Davies, Biggs, Strayer,

Stoel and Boley

Attn: B. J. Close

23rd Floor, 900 SW 5th

Portland, Oregon 97204

Fee
\$4.50

STATE OF OREGON, County of _____, ss: _____, 19 _____

Personally appeared the above named _____, who subscribed and swore to the foregoing affidavit and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

(OFFICIAL
SEAL)

Notary Public for Oregon

My commission expires _____

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PUBLISHER'S NOTE: An original notice of the sale, bearing the trustee's actual signature, should be attached to the foregoing proof.

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